

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PAUL D. BRUNER,

Plaintiff,

v.

No. CV 13–0158 LAM

**CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed a Complaint on February 19, 2013 (*Doc. 1*), and Defendant filed an Answer on May 13, 2013 (*Doc. 12*). On May 17, 2013, the Court entered an *Order Setting Briefing Schedule* (*Doc. 16*), wherein Plaintiff was ordered to file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law by July 30, 2013. On July 26, 2013, the Court entered an order allowing Plaintiff's counsel to withdraw because they had lost contact with Plaintiff, and the Court extended Plaintiff's deadline to file his Motion to Reverse or Remand to August 13, 2013. *See* [*Doc. 19*]. To this date, Plaintiff has not filed a Motion to Reverse or Remand Agency Decision, nor has he requested an extension of time.

A district court has inherent power to dismiss a case, even with prejudice, *sua sponte* for failure to prosecute or for failure to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). The

Court's local rules provide that a case may be dismissed if no steps are taken to move a case forward for ninety days. D.N.M. LR-Civ. 41.1.

IT IS THEREFORE ORDERED THAT no later than September 4, 2013, Plaintiff shall either file with the Court a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law, or file with the Court a response to this Order showing cause why this case should not be dismissed. Whichever he chooses to file, Plaintiff must serve a copy on Defendant. *Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal of this case without prejudice without further notice.*

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent